

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EDWARD NICHOLAS,
Plaintiff

v.

SCOTT A. EVANS, et al.,
Defendants.

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C.A. No. 07-90 Erie

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

I. RECOMMENDATION

_____ It is respectfully recommended that this case be dismissed for lack of subject matter jurisdiction.

II. REPORT

On May 1, 2007, Plaintiff filed with this Court a "Certified Criminal Complaint," in which he requests "the Supreme Court to intervene on these matters, as the issues are being challenged through the state and federal agencies having judicial authority to review the fraudulent contradictions." (See Complaint attached to Document # 1, at p. 3). In addition, Plaintiff purports to invoke the jurisdiction of this Court pursuant to 28 U.S.C. § 1254. (*Id.*). However, 28 U.S.C. § 1254 does not apply to this Court, but, instead, sets forth those cases in the courts of appeals that may be reviewed by the United States Supreme Court. This Court does not have jurisdiction to certify any matter directly to the United States Supreme Court, as Plaintiff requests. As a result, this case should be dismissed for lack of subject matter jurisdiction.

III. CONCLUSION

_____ For the foregoing reasons, it is respectfully recommended that this case be dismissed for lack of subject matter jurisdiction.

In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (c), and Local Rule 72.1.4B, the parties are allowed ten (10) days from the date of service to file written objections to this report. Any party opposing the objections shall have seven (7) days from the date of service of objections to respond thereto. Failure to timely file objections may constitute a waiver of any appellate rights.

S/Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief U.S. Magistrate Judge

Dated: May 15, 2007

cc: The Honorable Sean J. McLaughlin
United States District Judge